

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ROSY GIRON DE REYES; JOSE  
DAGOBERTO REYES; FELIX ALEXIS  
BOLANOS; RUTH RIVAS; YOVANA  
JALDIN SOLIS; ESTEBAN RUBEN MOYA  
YRAPURA; ROSA ELENA AMAYA; and  
HERBERT DAVID SARAVIA CRUZ,

*Plaintiffs,*

vs.

WAPLES MOBILE HOME PARK LIMITED  
PARTNERSHIP; WAPLES PROJECT  
LIMITED PARTNERSHIP; and A.J.  
DWOSKIN & ASSOCIATES, INC.,

*Defendants.*

Civil Action No. 1:16cv00563-TSE-TCB

**EXPERT REPLY REPORT OF WILLIAM A.V. CLARK, PH.D.**

William A.V. Clark, Ph.D, Department of Geography, University of California, Los Angeles,  
December 9, 2016

The purpose of this reply report is to respond to the opinions of Defendants' expert, Dr. Daniel Weinberg. Dr. Weinberg raises three issues with respect to my estimates of the undocumented population in Census Tract 4406: (1) He questions my specification of the margin of error, (2) he suggests that not adjusting for the undercount overestimates the point estimate of Hispanics in Census Tract 4406, and (3) he suggests that I should adjust for the Asian undocumented population to correctly estimate the level of the disproportionate impact of the Hispanic undocumented population. I address each of these points in the comments which follow.

Notably, Dr. Weinberg does not challenge my statements regarding disproportionate impact at the State and County levels. In fact, the 30.7 percent Hispanic undocumented ratio for Fairfax County (Clark Report at 4) is very close to my estimate for Census Tract 4406. This supports the finding of a disproportionate impact at both the County and local level.

## **1. POINT ESTIMATES AND THE MARGIN OF ERROR**

Both Dr. Weinberg and I provide a point estimate of the number of undocumented Hispanics in Tract 4406. I estimate the number at 301 (Clark Report at 4) and Dr. Weinberg estimates that value at 287 (Weinberg Report at 6). These estimates are reasonable estimates of how many undocumented Hispanics are in Tract 4406, a number which changes over time as people move in and out of residences within the tract. Our estimates are not dissimilar, and reflect the reality that there is a large number of undocumented Hispanics in Tract 4406.

The disagreement comes with respect to the reliability of that estimate. I use a margin of error of 26 percent based on the Census-reported margin of error for Hispanics in the tract. The range of those values is from 223-379. Dr. Weinberg, after discussing sampling methodology and sample error, asserts that the margin of error should be 101 percent (Weinberg Report at 7). He does not calculate a range but his margin of error would produce a range of approximately 0-602. This is an instance where the focus on the margin of error alone can lead to implausible results. We both agree there are undocumented Hispanics in the tract, and our joint point estimates suggest a reasonable number is close to 300, clearly with some margin of error but that value is not 0 and not 602. Dr. Weinberg's argument and total focus on margin of error obscures the reasonableness of a result which is a point estimate of about 300 undocumented Hispanics during the Census period of 2010-2014.

## **2. UNDERCOUNTING AND UNCERTAINTY**

It is sufficiently difficult to estimate the actual number of undocumented Hispanics without trying to adjust further for over-count and undercount. In his statement, Dr. Weinberg discusses both and concludes that there was an undercount of Hispanics, and he adjusts his point estimate upwards from 283 to 287. Adjusting for undercounting is a difficult process and more so for the undocumented population who are more likely than Hispanics as a whole to be undercounted. Nevertheless, the fact that Dr. Weinberg computes an estimate close to my estimate suggests that the actual point estimate is in the range we have both provided. In either case there are an

estimated approximately 300 undocumented Hispanics in Tract 4406.

In the process of estimating populations there is always uncertainty. Demographers use their best judgement, and statistical tools, to provide a specific value which is believed to best represent the true number of undocumented Hispanics in a region, or local area such as a tract. As Dr. Weinberg correctly notes, our estimates are based on samples and each sample will produce a slightly different point estimate. To visualize these outcomes, one can imagine a bell curve over the point estimate where values closer to the point estimate are more likely than values further away even if we use different probabilities for the margin of error.

### **3. ESTIMATING THE ASIAN UNDOCUMENTED POPULATION**

Dr. Weinberg is correct that I did not adjust for the Asian undocumented population. I did not do so as the proportion of Asians in Waples Mobile Home Park ("the Park") is small, approximately 12.1 percent of all residents (using an Asian surname analysis) in comparison with 60 percent Hispanic residents. Moreover, the Asian undocumented population is not at issue in this litigation. But as it is possible that the undocumented Asian population could affect the magnitude (though not the existence) of the disparate impact, I recalculated the magnitude of the disparate impact.

It is important to note that my calculations of the disparate impact used the data for Fairfax County as a whole where I estimated the undocumented ratio for the non-Hispanic population without adjusting for the Asian undocumented population. The undocumented Hispanic population is 30.7 percent and if we use the same methodological procedure as in the original Clark report, the Asian undocumented ratio is 15.7 percent. The percent undocumented for other groups is 1.5 percent. Thus I am able to say that Latinos are nearly twice as likely to be undocumented compared to Asians and 20 times more likely to be undocumented than other groups, and are thus substantially more likely to be adversely affected than any other group. There is still a major disproportionate impact and the substantive conclusion of my initial report is not changed.

With respect to the Asian alone population in Tract 4406 that population is estimated by the American Community Survey (2010-2014) to be 682 with a margin of error of +/-128. Using the same logic as the estimation procedure for Hispanics, 16.5 percent of Asians in the PUMA are undocumented and if we apply that percent to the 682 Asians in Tract 4406, I estimate the undocumented Asian population in tract 4406 as 113 with a range of approximately 92-134. Dr. Weinberg estimates the population as 105. If we remove the Asian population from the calculations in fact the undocumented ratio decreases for non-Hispanic/non-Asian groups which would increase the impact of Hispanics vis-a-vis non-Hispanics and non-Asians. Even accounting for the Asian undocumented population, my ultimate conclusion remains the same.

### **4. SUMMARY AND REASSERTION OF DISPARATE IMPACT**

The point estimates provided by me and by Dr. Weinberg are still our best estimates, with the caveat that there is a range of error around that number, but my point estimate is, in my opinion and based on my analysis, an acceptable estimate of the undocumented Hispanic population.

Sometimes demographers and statisticians become focused on the methodology and do not pay sufficient attention to the most reasonable outcome. There is a very large absolute number and high proportion of Hispanic individuals in the Park. Selective enforcement of tenant retention policies has had and while in force, will continue to have a disparate impact on this Hispanic population.

## 5. REFERENCES

Expert Report of William A. V. Clark October 28, 2016  
Expert Report of Daniel H. Weinberg November 28, 2016

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9<sup>th</sup> day of December, 2016 in Los Angeles, California.

Signed: William A.V. Clark  
William A.V. Clark